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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/756,872

01/12/2004

Saad Ahmed Sirohey

135488CT (15163US01)

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EXAMINER

KRASNIC, BERNARD

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

05/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/756,872</p>	<p>Applicant(s) SIROHEY ET AL.</p>	
	<p>Examiner BERNARD KRASNIC</p>	<p>Art Unit 2624</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 April 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-31.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Bhavesh M Mehta/
Supervisory Patent Examiner, Art Unit 2624

/Bernard Krasnic/
Examiner, Art Unit 2624

Continuation of 11. does NOT place the application in condition for allowance because:

The Applicant alleges, "The Applicants first turn to the rejection of claims 1-16 and 24-31 ..." in page 7 through "As Summers clearly points out ..." in page 8, and states respectively that the Examiner's statement that "Fig. 3b is surface unfolded to produce the 2D visual display as shown in Fig. 1b" is not correct because Figure 1 does not in any way relate to Figure 3. The Examiner disagrees because Figure 1 is a hypothetical portion of the colonic surface describing polyp detection by displaying in an unfolded manner [when a user views the display and visually see's between two folds of a colonic surface, it is because the colonic surface is layed flat / unfolded like in Figure 1b]. The Examiner used the term unfolded to describe Figure 1 because that is the clear visualization of the colon, it is an unfolded portion as could also be similarly compared to the prior art reference Bartroli colon unfolding [see Bartroli, Figure 1, the left part of Bartroli's figure is similar to Summer's Figure 3b and Bartroli's right part of figure 1 which is a visual display of a virtual unfolding of a segment of the CT data set of the colon resembles Summer's Figure 1b]. This argument was explored in the Examiner's Non-Final rejection [see page 4] when the Examiner states that "although Summer doesn't specifically disclose that the surface unfolded image is a 2D image it is well known in the art at the time the invention was made to have the unfolded image be 2D because unfolding is accomplished using distance mapping from the center of the colon pipe as is discussed in Bartroli [see Bartroli, abstract, right side of Fig. 1]". Also Summers discloses that different Computer-assisted diagnostic methods are directed to improve the physicians attention to site likely harboring polyps both in two and three dimensions [see pg 289, paragraph "As currently practiced, analysis at ..." and paragraph "Measurement of curvature is a standard image ..."]. Therefore, although Summers doesn't specifically disclose that figure 1b is an unfolded version of figure 3b, there is motivation to lead one of ordinary skill in the art at the time of the invention to distinguish that figure 1b is indeed an unfolded version of figure 3b using the teachings of Bartroli's Figure 1 which visually is the exact same type of display as of Summers' figures 1b and 3b [Bartroli's Figure 1 once again shows a 3D colon being processed to a 2D virtually unfolded colon segment]. The Examiner still maintains the 35 U.S.C. 103 rejection. Therefore claims 1-16 and 24-31 are still not in condition for allowance because they are still not patentably distinguishable over the prior art of record.

The Applicant alleges, "The Applicants next turn to the rejection of claims 17-23 ..." in page 8 through "As detailed above, however, Summers does not describe ..." in pages 8-9, and states respectively the same arguments as toward claims 1-16 and 24-31 above of how Summers does not disclose any relationship between Figure 1 and Figure 3. The Examiner maintains the arguments as above and maintains the 35 U.S.C. 103 rejection. Therefore claims 17-23 are still not in condition for allowance because they are still not patentably distinguishable over the prior art of record.